



Court Forum I & II

2019 EOIR Immigration Judge Training Program

June 19-20, 2019



Court Forum Overview



Overview – Court Forum I

Introduction - Court Forum I – Interactive Discussion

- **Preparing for Master Calendar**
- **Preparing for Individual Merits Cases**
- **Credible/ Reasonable Fear – helpful tips**
- **Use of checklists and ticklers**
- **Avoiding common mistakes – best practices**
- **Interacting with your Legal Assistant**
- **Adjournment Codes**





Overview – Court Forum II

Introduction - Court Forum II – Interactive Discussion

- Bond hearings – best practices
- Changes of Venue
- Managing difficult attorneys in the courtroom
- Effective use of judicial law clerks
- Handling evidentiary issues – electronic media
- Addressing media in the courtroom
- Work/ Life Balance – Taking care of yourself





Court Forum I



Preparing for Master Calendar

- **Review of cases prior to master**
- **Review what transpired at previous hearing(s), if reset**
- **Mark important documents/ leave helpful notes for following judge**
- **Short list for any issues to be addressed (e.g., amendments of NTA, I-261 needed)**
- **Discussion**



Preparing for Individual Merits Cases

- Removability determined/ all issues regarding removability resolved**
- Applications filed**
- Review and mark all documents**
- Review notes and DAR / leave helpful notes**
- Discussion**



Credible/ Reasonable Fear – helpful tips

- ☐ Credible Fear
- ☐ Reasonable Fear - differences
- ☐ Attorney present – how to address
- ☐ Preparing Order – what to include
- ☐ Discussion



Use of checklists and ticklers

- Checklist at master calendar
- Checklist for merits hearing
- Beginning of hearing checklist; exhibit list
- Checklist for various forms of relief (e.g., AOS, VD)
- Tickler for when filings/ call-ups are due, meeting of case performance measures
- Worksheets for asylum cases/ decisions
- Discussion points





Avoiding common mistakes – best practices

- ✓ Be prepared
- ✓ Talk with ACIJ or fellow judges to ascertain how to handle certain situations - examples
- ✓ Review decisions and orders before issued – no typos
- ✓ Follow checklists to ensure do not forget any important steps
- ✓ Keep templates up-to-date/ recent caselaw
- ✓ Take a break
- ✓ Other helpful tips



Interacting with your Legal Assistant

- **Clear communication is key**
- **Create processes from the outset (e.g. – outbox/ inbox)**
- **Communicate dates of leave and other absences – email is best**
- **Understand LA may be handling other judges' dockets**
- **Other best practices**



Adjournment Codes

- **State the reason for adjournment at hearing**
- **Judge has responsibility to give code to LA**
- **Unusual situations in past situations - what types of codes to use**



Court Forum II



Part II: COURT FORUM – TOPICS TO DISCUSS

- ❖ *Bond hearings – best practices*
- ❖ *Changes of Venue*
- ❖ *Managing difficult attorneys in the courtroom*
- ❖ *Effective use of judicial law clerks*
- ❖ *Handling evidentiary issues – electronic media*
- ❖ *Addressing media in the courtroom*
- ❖ *Work/ Life Balance – Taking care of yourself*





Bond hearings – best practices

- ☐ Is the case ready for a bond hearing?
- ☐ Attorney / Pro se (?)
- ☐ Consider all filings/ review all submitted evidence
- ☐ Overview of witnesses being presented – what is needed?
- ☐ Added conditions
- ☐ Preparing timely bond decisions – what to include
- ☐ Other practices



Changes of Venue (COV)

- When COV is warranted
- Matter of Rahman, 20 I.&N. 480 (BIA 1992)
- Forum Shopping issues
- If testimony has already started ...
- Issues when released from custody
- Issuing order to proper court location
- Other issues





Managing difficult attorneys in the courtroom

- **Courtroom control**
- **Establish expectations**
- **Maintain professionalism**
- **Ensure all discussions on DAR**
- **Consider reporting to Disciplinary Counsel**
- **Inform ACIJ**



Effective use of judicial law clerks

- ✓ Memoranda on complex or novel issues
- ✓ Ask if similar issues have been raised by other IJs
- ✓ Email/ Instant message from bench
- ✓ Share information both within court and inter-court
- ✓ If writing on complex case, include JLC in court hearing
- ✓ Discussion points



Handling evidentiary issues – electronic media

- **Video / DVD – should have written transcript**
- **Transcript needed for reference or appeal**
- **Consider whether showing video in courtroom-is it necessary? Equipment?**
- **Possible objections**
- **Other experiences**



Addressing media in the courtroom

- **Ascertain if any media in the courtroom**
- **Ensure no cameras or recording equipment**
- **Sketch artist allowed**
- **Refrain from any discussion about the case off the record**
- **Inform local Public Information Officer, ACIJ, CA**
- **Discussion: How others have handled**





Work/ Life Balance – Taking care of yourself

- Take breaks during the day – hydrate, walk, stretch
- Set time limits for yourself
- Take a vacation
- Follow exercise regimen
- Employee Assistance Program (EAP)



**Conclusion/
Thank you!**